

Jeffrey D. Talbert
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207.791.3239

April 3, 2020

Regional FOIA Officer
U.S. EPA, Region 1 (ORC01-5)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RE: Freedom of Information Act Request

Dear Regional FOIA Officer:

I am writing to request that the United States Environmental Protection Agency (“EPA”) provide copies of the records described below pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 522, and the EPA FOIA regulations at 40 C.F.R. § 2.100, et seq.

This FOIA request seeks copies of communications and information requests regarding the National Pollutant Discharge Elimination System (“NPDES”) permit renewal application(s) submitted by, or on behalf of, the Massachusetts Bay Transportation Authority (“MBTA”) in or around 2012 that would renew, modify, or otherwise supersede NPDES Permit No. MA0003590 (“the MBTA Permit Renewal Application(s)”). This request also seeks any Clean Water Act (“CWA”) section 308 information requests and responses regarding the MBTA Permit Renewal Application(s) or its receiving water, the Millers River in Somerville, MA, from the time of the original permit renewal application in or around 2012 to present. EPA must produce CWA section 308 requests and responses under 33 U.S.C. § 1318(b) and 40 C.F.R. § 2.302(e), (f).

Records requested are as follows:

1. Any correspondence between MBTA, or its representatives, and EPA, or its representatives, regarding the MBTA Permit Renewal Application(s) or the Millers River in Somerville, MA from the time of the original renewal application in or around 2012 to present.
2. Any correspondence between MBTA or EPA, or their representatives, and the Massachusetts Department of Environmental Protection, or its representatives, regarding the MBTA Permit Renewal Application(s) or the Millers River in Somerville, MA from the time of the original renewal application in or around 2012 to present.
3. Any correspondence between MBTA or EPA, or their representatives, and the Charles River Watershed Association, the Conservation Law Foundation, or other environmental organizations regarding the MBTA Permit Renewal Application(s)

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or the Millers River in Somerville, MA from the time of the original renewal application in or around 2012 to present.

4. Any requests for information made by EPA to MBTA between 2012 to present under CWA section 308 for information regarding the activities or discharges at the location covered by NPDES Permit No. MA0003590 or the Millers River in Somerville, MA.
5. Any responses to any CWA section 308 requests identified under request (4) above.
6. Any internal EPA correspondence to, from, or among members of the EPA Region 1, Water Division, Water Permits Branch—and any predecessor NPDES permitting offices—regarding the MBTA Permit Renewal Application(s) from the time of the original renewal application in or around 2012 to present.

Should EPA invoke a FOIA exemption to withhold any of the requested records, please include in your full or partial denial letter sufficient information to allow an appeal of the denial. Such information should include basic factual material about the item(s) withheld, the exemption invoked, and the justification for withholding the record(s). To the extent EPA withholds any part of a CWA section 308 request or response, please also provide a justification why 33 U.S.C. § 1318(b) and 40 C.F.R. § 2.302(e), (f) do not require reproduction of the request and response in full.

I am willing to pay reasonable fees incurred in responding to this request. Please notify me if the records requested are particularly voluminous or if production will incur significant fees. Please produce records on a rolling basis in electronic format, whenever possible, to the email address jtalbert@preti.com. If it is necessary to produce records in hard copy, please mail those records to:

Jeffrey Talbert
One City Center
P.O. Box 9546
Portland, ME 04112-9546

If this request is unclear in any way, or there is any issue with this request that would affect gathering or producing the records requested, please contact me at (207) 791-3239 or jtalbert@preti.com.

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Thank you for your attention to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Talbert', with a long horizontal flourish extending to the right.

Jeffrey Talbert

JDT:jym

cc: Damien Houlihan (houlihan.damien@epa.gov)